Docket No.: 5244-0082-2X DIV

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11-28-01

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

TETSURO MOTOYAMA : EXAMINER: NGUYEN, M.

SERIAL NO: 09/108,705 :

CPA FILED: June 16, 2000 : GROUP ART UNIT: 2622

FOR: METHOD AND SYSTEM FOR CONTROLLING AND COMMUNICATING WITH MACHINES USING MULTIPLE COMMUNICATION FORMATS

REPLY BRIEF

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

This Reply Brief is responsive to the Examiner's Answer mailed September 25, 2001.

The Examiner's Answer maintains substantially the same prior art rejection as the last Office Action. The Appeal Brief filed July 16, 2001, addresses the deficiencies of the Examiner's arguments so there is no need to address every point of the Examiner's Answer. However, arguments are included in this Reply Brief to emphasize the erroneous nature of the Examiner's rejection of the claims using U.S.P. 5,394,458 to Allen et al in view of U.S.P. 4,872,157 to Hemmady.

Before addressing the specific deficiencies of the Examiner's Answer, a brief overview of the invention is provided. According to the invention, information is transmitted from a first device to a second device, the information including a first portion and a second portion. The second portion, which may be data or diagnostic information, is parsed using a first portion of the information. A practical application and non-limiting example of the

present invention is using a header or protocol identifier at a beginning of a communication and this identifier is utilized to parse subsequent information of the communication, for example. Claim 37, for example, subsequently requires a diagnosing of a condition of the first device using the second information which has been parsed.

The Examiner's Answer states at the bottom of page 5:

> However, since Allen teaches the first information sent from the first device to the second device includes a plurality of different information which can be divided into 2 portions wherein the first portion can be considered as data related to the reproduction apparatus use, feature utilization of the reproduction apparatus since the first device utilizes these information for operating the reproduction apparatus, and the second portion can be considered as the error history and billing data for the second device to diagnose the condition of the first device.

While it is true that Allen et al disclose at column 4, lines 56-61 that an administrative and diagnostic device 5 can retrieve data related to (1) reproduction apparatus use, (2) feature utilization of the reproduction apparatus, (3) paper consumption, and (4) error history and billing, nowhere is it disclosed or suggested that data related to the use of the apparatus or features of the apparatus is used to parse the error history and billing data. Further, nowhere does Allen et al disclose or suggest the first and second portions of data, as claimed, and as alleged by the Examiner.

A fundamental reason why the Examiner's rejection is erroneous relates to the limited teachings of Allen et al. The Examiner admits on the bottom of page 12 of the Examiner's Answer that:

> Allen et al do not disclose, desire, need or suggest the use of more than one communication protocol on a single communication line.

Allen et al simply teach that when long distance communications are needed, public phones are utilized, and when shorter distances are utilized, an RS-232 communication can be

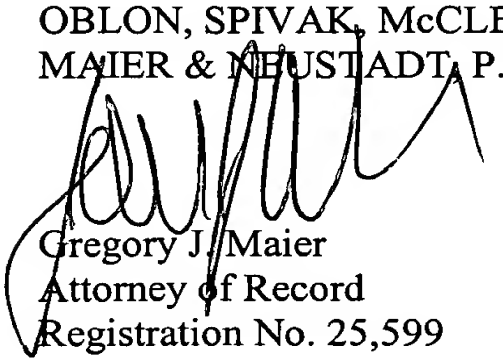
utilized. Different communication lines are utilized for the telephone and RS-232 communications and there is no need to have a first portion (e.g., a protocol identifier identifying what protocol is being used) in Allen et al because the use of a telephone line means that a telephone protocol is being used, and the use of an RS-232 interface means that an RS-232 protocol is being used. The Examiner says at the middle of page 8 that it would have been obvious to combine the teaching of the data packet message format of Hemmady to Allen et al because Allen et al "indirectly teaches" the uses of different protocols. What the Examiner means by "indirectly teaches" is unknown but it is firmly believed that the Examiner has provided a legally insufficient rational for the combination. Simply stated, Allen et al has no need or desire to use multiple communication protocols on the same communication channel, and Hemmady et al does not correct this deficiency.

Moreover, in the claimed invention, not only is a first portion of information used to do the parsing, but the parsing of the second portion ***and*** the diagnosing are both performed by the second device. Even if Allen et al and Hemmady could be combined, there would not be a single device which did both the parsing and diagnosing as recited in the claims, because in Hemmady, it is the network interface modules ("NIMs") that utilize the protocol identifiers. The data arriving at the device such as switch 1200 or LAN 7 of Hemmady et al is not in a format that includes the protocol identifier. As an example, if Allen et al could be combined with Hemmady et al, it is the NIM 2 that would perform the parsing, and a different device, such as a device connected to the switch 1200 or LAN 7 that would do the diagnosing. This is a difference between the prior art and the invention which has not been addressed. For this additional reason, the rejection is clearly erroneous.

Accordingly, the rejection of all claims of this application should be overruled.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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